

DON NOMURA, ESQ., #2228
DANIEL T. HAYWARD, ESQ., #5986
JANICE HODGE JENSEN, ESQ., #563
LAXALT & NOMURA, LTD.
9600 Gateway Drive
Reno, Nevada 89521
Tel: (775) 322-1170
Fax: (775) 322-1865
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RJT WHELCHER DEVELOPMENT COMPANY
LLC, a Nevada limited-liability company,

Plaintiff,

CASE NO.: 3:13-cv-00242-RCJ-VPC

v.

WHELCHER MINES COMPANY, an
administratively dissolved Idaho domestic
corporation; THE ESTATES OF RALPH
ARTHUR WHELCHER AND THRESSA
MAE EVA WHELCHER; ELIZABETH ANN
WHELCHER, sole personal representative for
Ralph Arthur Whelchel, a deceased natural person;
ELIZABETH ANN WHELCHER, sole personal
representative for Thressa Mae Eva Whelchel, a
deceased natural person; ELIZABETH ANN
WHELCHER, sole personal representative for
the Estates of Ralph Arthur Whelchel and Thressa
Mae Eva Whelchel; ELIZABETH ANN
WHELCHER, a natural person, in her individual
capacity and as heir of MICHAEL RALPH
WHELCHER; LOREN J. WHELCHER, a natural
person, in his individual capacity and as heir of
MICHAEL RALPH WHELCHER; SHARON
GAIL (WHELCHER) LANE, a natural person, in
her individual capacity and as heir of MICHAEL
RALPH WHELCHER; TIMOTHY A.
WHELCHER, a natural person in his individual
capacity and as heir of MICHAEL RALPH
WHELCHER; JOHN A. WHELCHER, a natural
person in his individual capacity and as heir of
MICHAEL RALPH WHELCHER; and, ANITA
WHELCHER, a natural person,

Defendants.

**AMENDED STIPULATED
JUDGMENT AND ORDER**

///

AMENDED STIPULATED JUDGMENT AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff RJT Whelchel Development Company LLC and Defendants The Estates of Ralph Arthur Whelchel and Thressa Mae Eva Whelchel, Elizabeth Ann Whelchel, Loren J. Whelchel, Sharon Gail (Whelchel) Lane, Timothy A. Whelchel, John A. Whelchel, and Anita Whelchel:

1. This is an action affecting title to and possession of twelve (12) unpatented mining claims (the “**Unpatented Mining Claims**”) and six (6) patented mining claims (the “**Patented Mining Claims**”), as between the parties to this case, all of which claims are sited in Humboldt County, Nevada, together with any and all of the appurtenances to and improvements on each and every said mining claim (collectively, the “**Mining Claims**”). The Mining Claims are more particularly described as follows.

Unpatented Mining Claims

<u>Identification</u>	<u>Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Meridian</u>
NMC: 59361	Charleston Fraction	27	46N	39E	MDB&M
NMC: 59362	West Virginia Fraction	27, 34	46N	39E	MDB&M
NMC: 59363	Fairview #2	27	46N	39E	MDB&M
NMC: 59364	Fairview #3	27	46N	39E	MDB&M
NMC: 59365	Fairview #4	27	46N	39E	MDB&M
NMC: 59366	Fairview #5	27	46N	39E	MDB&M
NMC: 59367	Fairview #6	27	46N	39E	MDB&M
NMC: 59368	Fairview #7	27	26N	39E	MDB&M
NMC: 416452	Bigfoot	27	46N	39E	MDB&M
NMC: 416457	Sasquatch #1	27	46N	39E	MDB&M
NMC: 416458	Sasquatch #2	27	46N	39E	MDB&M
NMC: 689147	Big Horn	28	46N	39E	MDB&M

///

///

Patented Mining Claims

<u>Identification</u>	<u>Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Meridian</u>
APN: 004-081-19	Charleston No. 1	27, 28	46N	39E	MDB&M
APN: 004-081-20	Charleston	27	46N	39E	MDB&M
APN: 004-081-21	Fairview	27	46N	39E	MDB&M
APN: 004-081-26	West Virginia No. 1	27, 34	46N	39E	MDB&M
APN: 004-081-27	West Virginia	27, 34	46N	39E	MDB&M
APN: 004-081-28	Fairview No. 1	27, 34	46N	39E	MDB&M

2. This Court has jurisdiction over the subject matter and the parties pursuant to (a) 28 U.S.C. § 1332 [diversity of citizenship of the parties and the amount in controversy is in excess of \$75,000], and (b) 28 U.S.C. §§ 2201-2202 [declaratory judgment].

3. Venue is proper in this Court pursuant to (a) 28 U.S.C. § 1391 and (b) Nevada Federal District Court LR 1A 6-1 and 1A 8-1.

4. Defendants The Estates of Ralph Arthur Whelchel and Thressa Mae Eva Whelchel, Elizabeth Ann Whelchel, Loren J. Whelchel, Sharon Gail (Whelchel) Lane, Timothy A. Whelchel, John A. Whelchel, and Anita Whelchel, hereinafter the Whelchel Family Member Defendants, each have formally waived service of summons.

5. The Amended Complaint properly and sufficiently states a claim upon which relief may be granted against each and every Whelchel Family Member Defendant.

6. Whelchel Family Member Defendants each hereby agree, acknowledge, and admit that each and every allegation, averment, and presupposition set forth in the Amended Complaint is true and correct.

7. Whelchel Family Member Defendants have each entered into this Stipulated Judgment freely and without coercion from any party. Each Whelchel Family Member Defendant has read and reviewed the provisions of this Amended Stipulated Judgment and Order and is prepared to (and will) abide by this Amended Stipulated Judgment and Order.

///

1 8. Whelchel Family Member Defendants each hereby forever waive any and every
2 right to appeal or otherwise challenge or contest the validity of this Amended Stipulated
3 Judgment and Order.

4 9. Whelchel Family Member Defendants each hereby agree that this Amended
5 Stipulated Judgment and Order does not entitle any Whelchel Family Member Defendant to seek
6 or obtain attorney fees, and that the Whelchel Family Member Defendants each and all further
7 hereby waive any and every right to attorney fees that may arise under any provision of law.

8 10. All natural persons, associations, and statutory business entities, whether or not
9 presently in existence or good standing, entitled to notice and/or an opportunity to be heard on
10 the Summons and/or Complaint have been provided adequate notice and have had sufficient
11 opportunity.

12 11. Plaintiff is the sole owner of each and all of the Unpatented Mining Claims; the
13 lands appropriated by the Unpatented Mining Claims; and any and all valuable minerals or
14 mineral deposits contained in, on, or under the Unpatented Mining Claims, subject only to
15 paramount title of the United States.

16 12. Plaintiff is the sole owner of each and all of the Patented Mining Claims; the
17 lands appropriated by the Patented Mining Claims; and any and all valuable minerals or mineral
18 deposits contained in, on, or under the Patented Mining Claims.

19 13. If for no reason other than as a result of this Amended Stipulated Judgment and
20 Order, Whelchel Family Member Defendants, and each of them, have no right, title, estate, lien,
21 or interest whatsoever, whether express or implied, in and/or to any of the Mining Claims; lands
22 appropriated by the Mining Claims; or any valuable mineral or mineral deposits contained in, on,
23 or under the Mining Claims.

24 14. Whelchel Family Member Defendants, and each of them, shall be (and are
25 hereby) forever barred from asserting any claim whatsoever in or to any of the Mining Claims,
26 the minerals or mineral interests therein, or any part thereof, that is in any way adverse to
27 Plaintiff's sole and exclusive right, title, interest in and to, and ownership of, each and every
28 Mining Claim.

15. Whelchel Family Member Defendants, and each of them, hereby agree, acknowledge and consent to the Court's Order and declaration that, as between the parties, all rights, title and interest in and to the Mining Claims are immediately, permanently and completely quieted in Plaintiff RJT Whelchel Development Company LLC, free and clear of any and every claimed right, title, estate, lien, or other interest by any of the Whelchel Family Member Defendants.

DATED: June 12, 2014

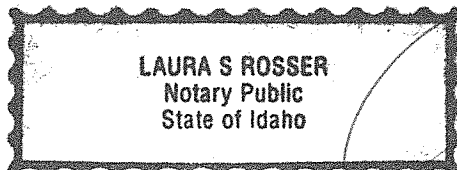
THE ESTATES OF RALPH ARTHUR
WHELCHER AND THRESSA MAE EVA
WHELCHER

By: Elizabeth Ann Whelchel
ELIZABETH ANN WHELCHER, a natural person,
as sole Personal Representative for the Estates of
Ralph Arthur Whelchel and Thressa Mae Eva
Whelchel

STATE OF IDAHO
COUNTY OF Ada } ss:

On this 12 day of June, 2014, before me, the undersigned officer, personally appeared ELIZABETH ANN WHELCHER, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same in her authorized capacity and that by her signature on the instrument the person(s) or the entity(ies) upon behalf of which the person acted, executed the instrument.

In witness hereof I hereunto set my hand and official seal.



Notary Public

My Commission Expires 1-21-15

DATED: June 12, 2014

Elizabeth Ann Wheelchel
ELIZABETH ANN WHELCHER, a natural person,
as sole Personal Representative for Ralph Arthur
Wheelchel, a deceased natural person

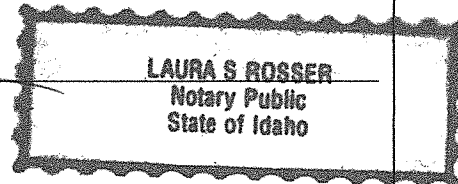
STATE OF IDAHO }
COUNTY OF Ada } ss:

On this 12 day of June, 2014, before me, the undersigned officer,
personally appeared ELIZABETH ANN WHELCHER, known to me (or satisfactorily proven)
to be the person whose name is subscribed to the within instrument and acknowledged that she
executed the same in her authorized capacity and that by her signature on the instrument the
person(s) or the entity(ies) upon behalf of which the person acted, executed the instrument.

In witness hereof I hereunto set my hand and official seal.

My Commission Expires 1-21-15

Notary Public



DATED: June 12, 2014

Elizabeth Ann Wheelchel
ELIZABETH ANN WHELCHER, a natural person,
as sole Personal Representative for Thressa Mae
Eva Wheelchel, a deceased natural person

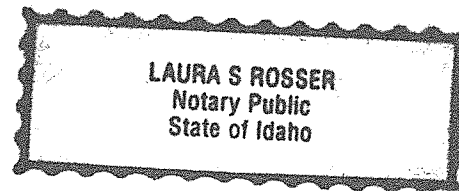
STATE OF IDAHO }
COUNTY OF Ada } ss:

On this 12 day of June, 2014, before me, the undersigned officer,
personally appeared ELIZABETH ANN WHELCHER, known to me (or satisfactorily proven)
to be the person whose name is subscribed to the within instrument and acknowledged that she
executed the same in her authorized capacity and that by her signature on the instrument the
person(s) or the entity(ies) upon behalf of which the person acted, executed the instrument.

In witness hereof I hereunto set my hand and official seal.

My Commission Expires 1-21-15

Notary Public



///
///
///
///

DATED: June 12, 2014

Elizabeth Ann Wheelchel
ELIZABETH ANN WHELCHER, a natural
person, in her individual capacity and as heir of
Michael Ralph Wheelchel

STATE OF IDAHO)
COUNTY OF Ada) ss:

On this 12 day of June, 2014, before me, the undersigned officer,
personally appeared ELIZABETH ANN WHELCHER, known to me (or satisfactorily proven)
to be the person whose name is subscribed to the within instrument and acknowledged that she
executed the same in her authorized capacity and that by her signature on the instrument the
person(s) or the entity(ies) upon behalf of which the person acted, executed the instrument.

In witness hereof I hereunto set my hand and official seal.

My Commission Expires 1-21-15

[Signature]
Notary Public

LAURA S ROSSER
Notary Public
State of Idaho

DATED: June 12, 2014

[Signature]
TIMOTHY A. WHELCHER, a natural person,
as heir of Michael Ralph Wheelchel

STATE OF IDAHO)
COUNTY OF Canyon) ss:

On this 12th day of June, 2014, before me, the undersigned officer,
personally appeared TIMOTHY A. WHELCHER, known to me (or satisfactorily proven) to
be the person whose name is subscribed to the within instrument and acknowledged that he
executed the same for the purposes therein contained.

In witness hereof I hereunto set my hand and official seal.

CAROL BARTLES
Notary Public
State of Idaho

[Signature]
Notary Public

Ex 2-2819

STATE OF IDAHO)
COUNTY OF Canyon) SS:

In witness hereof I hereunto set my hand and official seal.

DATED: June 12, 2014

STATE OF IDAHO)
COUNTY OF Canyon) SS:

In witness hereof I hereunto set my hand and official seal.

CAROL BARTLES
Notary Public
State of Idaho

Ex 2-28-19

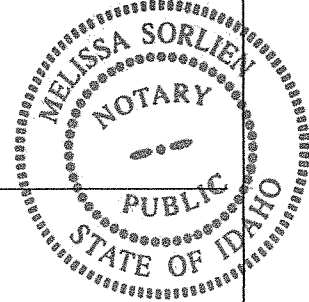
Sharon Hartone

STATE OF IDAHO)
COUNTY OF Canyon) SS:

In witness hereof I hereunto set my hand and official seal.

Melissa Ableen
Notary Public
EXP 4/2/18

DATED: June 12, 2014



Loren J. Wheelcut
LOREN J. WHEELCUT

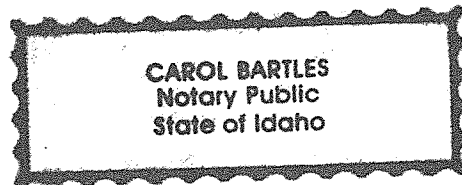
LOREN J. WHELCHER, a natural person, as heir
of Michael Ralph Whelchel

STATE OF IDAHO)
COUNTY OF Canyon) SS:

On this 12th day of June, 2014, before me, the undersigned officer, personally appeared LOREN J. WHELCHER, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that ~~she~~ executed the same for the purposes therein contained.

In witness hereof I hereunto set my hand and official seal.

Carol P. Smith
Notary Public



Ex 2-28-19

9

1 DATED: 10 July, 2014

2 RJT WHELCHER DEVELOPMENT COMPANY LLC

3
4 By 
5 JOSEPH S. GILBERT, Manager

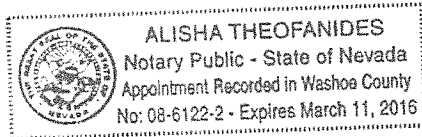
6 STATE OF NEVADA)

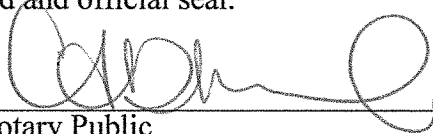
7 COUNTY OF WASHOE)

) ss:
)

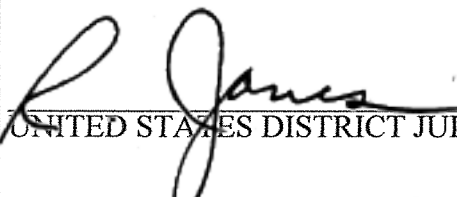
8 On this 10th day of July, 2014, before me, the undersigned officer,
9 personally appeared JOSEPH S. GILBERT, known to me (or satisfactorily proven)
10 to be the person whose name is subscribed to the within instrument and acknowledged that he
executed the same in his authorized capacity and that by his signature on the instrument the
person(s) or the entity(ies) upon behalf of which the person acted, executed the instrument.

11 In witness hereof I hereunto set my hand and official seal.




Notary Public

14 IT IS SO ORDERED:

15
16 
17 UNITED STATES DISTRICT JUDGE

18 DATED: July 15, 2014